

From: NC WARN [ncwarn@ncwarn.org]
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To: Tarr, Jeremy M [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=98859532088e4437968231eb6fef6b70-jmtarr1]
Subject: [External] New Developments on Methane, Climate, and Duke Energy

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Building People Power for Climate & Energy Justice

See two items below for news relating to Duke Energy's [massive expansion of worse-than-coal fracked gas](#).

1. Our ally, Cornell's Bob Howarth, spoke at the COP climate conference last month in Bonn, Germany. He reports new data on the impact of methane on rising global temperatures. [See 15-minute video](#).



Highlights:

- The best evidence available indicates that the global increase in methane over the last decade (and rising temperatures in recent years) is due to shale gas and shale oil development in the United States (driven by the electric power sector).
- Evidence indicates that methane emissions from the oil and gas industry are now likely more than 2 – times larger than those from all animal agriculture globally.
- ***Cutting methane emissions can immediately help slow global warming, compared to the decades-long impacts of CO2.***

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2) Monday's news release on our lawsuit against the State of North Carolina and the Utilities Commission. This case should make it harder for Duke Energy to get fast-track approval for more power plants.

Court Signals Timing isn't Right for Suit against State and Regulators over Court Access and Duke Energy Fast-track Law

Catch-22 prevents courts from deciding constitutionality of laws used to promote Duke Energy's enormous expansion of fracked-gas power plants and pipelines

In a ruling Friday, a Wake County Superior Court panel indicated that the timing isn't right for a lawsuit against the State of North Carolina and its utility regulators. Attorneys for the Duke University Environmental Law & Policy Clinic brought the suit on behalf of NC WARN in October 2016, arguing that a 2015 law passed specifically to allow Duke Energy to shortcut the approval process for a large, fracked-gas power plant in Asheville violates both the state and federal constitutions.

NC WARN also contends that the NC Utilities Commission shielded itself from an appeals court review of the \$1 billion Duke Energy project by invoking a never before used law from 1965 to require a \$98 million bond that locked the courthouse doors to NC WARN and its nonprofit partner, The Climate Times. No other state allows regulators to use a bond to block a power plant appeal.

The lawsuit sought a court ruling that both laws are unconstitutional so that Duke Energy cannot rely on similar shortcut approvals and court-blocking bonds for the 15-20 fracked-gas plants it plans to build in the Carolinas by 2030.

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Now in its 29th year, NC WARN's mission urgency is to induce Charlotte-based Duke Energy – one of the world's largest corporate utilities – to make a strong shift to clean, affordable energy in order to stem pollution's damage to communities, and to help avert climate tipping points and ongoing rate hikes.

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